

**Filed 6/1/06 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2006 ND 113

State of North Dakota,

Plaintiff and Appellee

v.

Douglas Frederick,

Defendant and Appellant

No. 20050432

Appeal from the District Court of Morton County, South Central Judicial District, the Honorable Robert O. Wefald, Judge.

AFFIRMED.

Per Curiam.

Susan Schmidt, 400 East Broadway Avenue, Suite 27, Bismarck, ND 58501, for defendant and appellant; on brief.

Brian David Grosinger, Assistant State's Attorney, 210 2nd Avenue NW, Mandan, ND 58554, for plaintiff and appellee; on brief.

State v. Frederick

No. 20050432

Per Curiam.

[¶1] Douglas James Frederick appeals from a criminal judgment entered upon his conditional guilty pleas to charges of manufacture of a controlled substance, possession of drug paraphernalia, and abuse or neglect of a child. He argues the district court erred by denying his motion to suppress the evidence seized during execution of a search warrant at his residence.

[¶2] Whether probable cause exists is a question of law which is fully reviewable on appeal. State v. Rangeloff, 1998 ND 135, ¶ 16, 580 N.W.2d 593. A district court's disposition of a suppression motion "will not be reversed if, after conflicts in the testimony are resolved in favor of affirmance, there is sufficient competent evidence fairly capable of supporting the trial court's findings, and the decision is not contrary to the manifest weight of the evidence." State v. Zimmerman, 529 N.W.2d 171, 173 (N.D. 1995).

[¶3] We summarily affirm under N.D.R.App.P. 35.1(a)(3).

[¶4] Gerald W. VandeWalle, C.J.
Daniel J. Crothers
Mary Muehlen Maring
Carol Ronning Kapsner
Dale V. Sandstrom